

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Claims 13 and 15 have been amended to overcome the objections thereto.

Claims 20-23 have been canceled.

Claims 11-14 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by Cartwright et al. Claims 11-14 and 16-18 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by Hamilton. Claims 11 and 15 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by Wehrli. Claims 11 and 13-18 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by Stark. Claims 11-15 and 19 were rejected under 35 U.S.C. §103(a) as allegedly anticipated by Cioffe. Applicants respectfully traverse each of these rejections.

In each instance, the Examiner alleges that the combustion vapor contents that are free of nitrogen oxide and deficient in carbon monoxide are inherent properties of the compositions of the cited references, and cites case law in support of each rejection.

To rely on a reference as the basis for a 102/103 rejection on inherency, the Examiner must show that the certain result or characteristic necessarily flows from the teachings of the prior art. See *in re Rijckaert*, 28 USPQ2d, 1955, 1957 (Fed. Cir. 1993); *In re Oelrich*, 212 USPQ 323 (CCPA 1981) *Ex parte Levy*, 17 USPQ2d 1464 (Bd. Pt. App. & Inter 1990) and MPEP §2112 "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.' " *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999). The Examiner's reliance on the cited references does not meet this standard.

Here, the Examiner has not provided any objective evidence that the cited references disclose compositions that have combustion vapor contents that are free from nitrogen oxide and deficient in carbon monoxide, and there are many examples and ranges disclosed in each of the cited references.

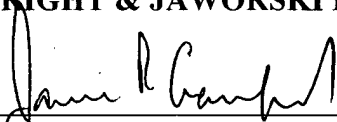
Accordingly, all rejections should be withdrawn.

Applicants believe no fee is required for filing this amendment. However, the Commissioner is hereby authorized to deduct any fee due, or credit any overpayment to Deposit Account No.50-0624.

Respectfully submitted,

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By


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